

Applicant: Henderson et al.  
Application Serial No.: 09/994,551  
Filing Date: November 27, 2001  
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### **REMARKS**

Reconsideration of the application as amended is respectfully requested.

Claims 1, 2, 4, 12, 13, 18-20, 57 and 58 are in the application. Claim 1 has been amended to include the limitation of claim 3, and, accordingly, claim 3 has been canceled. Claim 58 has been also amended. In addition, claims 6-11, 14-17 and 21-52 are withdrawn in view of a previous election.

In the Official Action, claim 58 was rejected under 35 U.S.C. §102(b) as being allegedly anticipated by Popadiuk et al. (U.S. Patent No. 5,556,426).

Popadiuk et al. is directed to an implantable tubular prosthesis which includes an external coil support. In the main embodiment, the coil support is provided by a single filament component 14 which is wrapped helically around tubular component 12. (Column 5, lines 28-32). More than one filament component 14 may also be used. (Column 9, lines 46-48). Regardless of how many filaments are used, all filaments are wound. (See, Figures 1 and 4; column 10, lines 24-34).

Claim 58, as amended, indicates that the ribs are "generally straight and parallel to a longitudinal axis extending between ends of said tubular body." In contrast, Popadiuk et al.

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helically wraps all filaments. Moreover, there is no suggestion or motivation to modify the filament component(s) of Popadiuk et al. The filament component(s) are provided for radial enforcement. (See, e.g., Abstract; column 3, lines 54-56). The filament component(s) cannot be modified to be straight, since this arrangement will not provide the desired radial reinforcement. (See, MPEP §2143.01 ("If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification.")). It is respectfully submitted that claim 58 is patentable over Popadiuk et al.

The Examiner rejected claims 1-4, 12, 13 and 18-20 under 35 U.S.C. §102(e) as being allegedly anticipated by Martakos et al. (U.S. Patent No. 6,416,537).

Martakos et al. is directed to a multi-stage prosthesis which includes a first tube 20 having a PTFE bead 24 circumferentially wrapped in a helical pattern thereabout. (See, column 6, lines 17-42). As an alternative to helical winding, the PTFE bead may be provided as discrete bead rings axially spaced apart on the first tube. (Column 6, lines 44-47).

Claim 1 has been amended to indicate that the ribs are "generally straight and parallel to a longitudinal axis extending between ends of said tubular body." The bead of Martakos et al. is a single helical bead, not a plurality of straight ribs; whereas, the rings of Martakos et al. are

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continuous about the circumference of the first tube 20, and thus, are not parallel to a longitudinal axis of the device. Moreover, there is no disclosure or suggestion to modify Martakos et al. to provide the bead or rings in any other configuration. The bead or rings are provided "around the outer surface" of the composite structure to provide "maximum compression resistance". (Column 3, lines 38-47). Martakos et al. cannot be modified to avoid this intended purpose. See, MPEP §2143.01. It is respectfully submitted that claim 1, along with dependent claims 2, 4, 12, 13, and 18-20, are patentable over Martakos et al.

The Examiner also rejected claim 58 under 35 U.S.C. §103(a) as being unpatentable over Popadiuk et al. in view of Davey et al. (U.S. Patent No. 6,280,423). Davey et al. is directed to a high flow rate dialysis catheter. There does not appear to be any disclosure or suggestion in Davey et al. of using ribs about an arterio-venous shunt graft. Accordingly, Davey et al. does not overcome the deficiencies of Popadiuk et al. noted above. It is respectfully submitted that claim 58 is patentable over Popadiuk et al. and Davey et al., each taken alone or in combination.

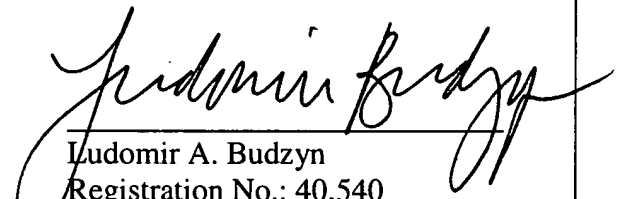
Claim 57 was rejected under 35 U.S.C. §103(a) as being unpatentable over Martakos et al. in view of Popadiuk et al.

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Claim 57 depends from claim 1. As discussed above, neither Martakos et al. nor Popadiuk et al. disclose or suggest the use of a plurality of straight ribs. Accordingly, it is respectfully submitted that claim 57, as depending from claim 1, is also patentable.

Favorable action is earnestly solicited. If there are any questions or if additional information is required, the Examiner is respectfully requested to contact Applicants' attorney at the telephone number listed below.

Respectfully submitted,



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